

Civil Rights Enforcement and Compliance Operating Guidelines

Prepared for
APHIS Managers and Supervisors

by
Civil Rights Enforcement and Compliance Staff
October 2001

CREC Operating Guidelines - Internal Policy Issuances

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Contact Information

Questions concerning the above issuances should be directed to the Civil Rights Enforcement and Compliance Staff on (202) 720-6312. The above issuances have been added to the CREC website: www.aphis.usda.gov/oa/crec/issuances.

**Animal and Plant Health Inspection Service
Civil Rights Enforcement and Compliance**

CIVIL RIGHTS ACCOUNTABILITY

1. INTRODUCTION

This issuance outlines Civil Rights Enforcement and Compliance (CREC) policies and procedures for reporting civil rights performance. The Government Performance and Results Act (GPRA) of 1993 requires agencies to establish systems, set measurable goals for program performance and to measure program results. The Department's Civil Rights Performance Plan identifies goals, objectives, and annual performance measures, that form the foundation upon which the civil rights performance element and the annual civil rights performance ratings of USDA Agency Heads are based. To implement the action items in the USDA Civil Rights Performance Plan, the Administrator established a civil rights accountability process. This civil rights accountability process requires the measurement and reporting of civil rights performance by all APHIS managers and supervisors.

2. REFERENCES

- *Government Performance Results Act (GPRA) of 1993*
- *USDA Handbook on the Senior Executive Service Performance Appraisal System: Chapter 430 - Subchapter I*
- *Civil Rights Performance: Memorandum from the Assistant Secretary for Administration, April 20, 2001*
- *USDA Civil Rights Action Team Report, February 1997*

3. COVERAGE

The requirements of this issuance apply to all APHIS Senior Executives, GS-15, GS-14, and headquarters Program Managers and Division Directors, State Plant Health Directors, Port Directors, Area Veterinarians-In-Charge, and Center and Laboratory Directors regardless of grade Level. APHIS managers and supervisors are being held accountable for implementing the same civil rights performance measures assigned to the Administrator. There are over 300 managers and supervisors that prepare and submit civil rights self-assessment reports outlining how they are implementing the Department's Civil Rights Performance Plan.

4. POLICY

It is APHIS policy to ensure that all work sites are free from discrimination; retaliation; and reprisal based on race, color, religion, sex, national origin, age, disability, and where applicable, marital status, familial status, parental status, or sexual orientation.

“Hold all employees, and especially supervisors, managers, and program directors, accountable for their legal and moral obligations to uphold civil rights.”

5. USDA/APHIS CIVIL RIGHTS GOALS

The APHIS civil rights accountability process comprises the Department’s four civil rights goals:

- **Accountability** - Incorporate the USDA’s civil rights policy throughout agency operations to ensure that customers and employees are treated fairly and equitably, with dignity and respect.
- **Program Delivery** - Ensure all customers equal access and equal treatment in the delivery of USDA programs and services.
- **Employment** - Provide a workplace free of discrimination and enhance the diversity of the workforce.
- **Procurement** - Ensure equal opportunity for minority, women-owned and small and disadvantaged businesses in all USDA contracting activities.

6. REPORTING REQUIREMENTS

Civil Rights Self-Assessment reports outline the extent to which managers and supervisors are implementing the Department's four civil rights goals.

- ❶ The report is divided into four sections. In each section, managers should describe specific civil rights accomplishments relative to each goal and corresponding performance indicator. *See the following management performance examples:*

Accountability - Goal #1

APHIS managers should describe accomplishments related to accountability for managers and employees, reprisals, disciplinary actions, corrective actions, allocation of resources, and strategic planning for civil rights.

Management Performance Examples:

- ☐ *Issue an internal policy statement outlining your support and commitment to civil rights.*
- ☐ *Post the USDA and APHIS Civil Rights Policy Statement prominently in your program area.*
- ☐ *Update Civil Rights Performance Standards for managers and supervisors in your Division, Area,*

Port or State.

- ☐ *Allocate appropriate resources to support and administer program and employment functions of the Special Emphasis Program Managers, and Civil Rights Advisory Committees.*
- ☐ *In conjunction with Employee Relations Specialists implement corrective/disciplinary actions within the required time frames. Report all actions taken to the APHIS Civil Rights Staff.*

Program Delivery - Goal #2

APHIS managers should describe accomplishments related to compliance reviews, findings, preventive and corrective measures, Title VI complaint processing, conciliation agreements, participation of under-served populations, removal of barriers to participation, civil rights impact analyses, environmental justice, and other noteworthy achievements.

Management Performance Examples:

- ☐ *Prominently displaying the USDA non discrimination poster "And Justice for All" in all public access areas, and instructions for filing program discrimination complaints.*
- ☐ *Ensure that all information about your program (press releases, fact sheets, newsletters etc.) include a nondiscrimination statement.*
- ☐ *Actively participate in EEO compliance reviews of the Unit. Works with the compliance review team to implement recommendations.*
- ☐ *Promptly implement preventive and corrective actions to resolve deficiencies found in compliance reviews.*
- ☐ *Request that CREC conduct Civil Rights Impact Analyses of all proposed regulations and establishment and/or renewal of Boards and Committees. Civil Rights Impact Analyses are also required for proposed closures, moves, reorganizations, and collocations.*
- ☐ *Preventive and corrective actions resulting from program complaint findings are implemented promptly.*
- ☐ *Implement all terms of conciliation agreement within specific time frames.*

Employment - Goal #3

APHIS managers should describe accomplishments related to improving diversity, development of mandated plans, training, compliance reviews, Title VII complaints procedures and processing, alternative dispute resolution, settlement agreements, preventive and corrective actions resulting from complaints, and trends analyses of complaints.

Management Performance Examples:

- ☐ *Actively participate in EEO compliance reviews of the Unit. Works with the compliance review team to implement recommendations.*
- ☐ *Where under representation exists establish hiring objectives to increase the number of women, minorities and persons with disabilities in your program area.*
- ☐ *Consult EEO Advisory Committee members and Special Emphasis Program Managers on strategies to attract under represented groups to vacancies in your program area. Obtain copies of the APHIS Affirmative Employment Program Plan by contacting the APHIS Affirmative Employment Program Manager on (202) 720-2733. To assist with outreach to the Disabled contact the APHIS Disability Program Manager, on (202) 720-1305 for a copy of the Affirmative Employment Program Plan for the Disabled.*
- ☐ *Consult with Human Resources Specialists to determine which positions can be assigned career ladders and where appropriate, list career ladders in the Vacancy Announcement, i.e. GS 5/6/7 with promotion potential to the GS 11.*
- ☐ *Conduct special training sessions for supervisors to update their skills in managing a diverse workforce.*
- ☐ *Actively works with EEO Counselors in resolving allegations of discrimination. Makes reasonable resolutions and where appropriate, consults Conflict Prevention and Resolution Staff for assistance in dealing with any residual issues and concerns.*
- ☐ *Preventive and corrective actions resulting from employment complaints are implemented promptly.*
- ☐ *Terms of settlement agreements are implemented in a timely manner.*

Procurement - Goal #4

APHIS managers should describe accomplishments related to participation levels and strategies for improving participation of minority, women-owned, and small and disadvantaged businesses, and steps taken to remove barriers to participation by minority, women-owned, and small and disadvantaged businesses.

Procurement - Goal #4

Management Performance Examples:

- ☐ Increase purchasing efforts with small, disadvantaged, and women-owned businesses (training, supplies, equipment, services etc.).
- ☐ Make purchases between \$2,500 and \$100,000 with small businesses unless there are none qualified to do the work.
- ☐ Progress is made in meeting subcontracting goals. For more specific technical assistance regarding APHIS Procurement Goals call MRP-Business Service on (301) 734-6502.

- ➊ After completion of reports managers should submit mid year and end of year civil rights self-assessment reports to the designated CREC technical specialist listed in *Section 7*
(*Technical Assistance Contact Person*) by the March 30th and September 30 due dates.
- ➋ CREC reviews the civil rights self-assessment reports, and inform Program Managers of any additional information or supporting documentation needed to complete the report.
- ➌ CREC enters each report into an automated system and prepares a summary of civil rights progress (*feedback report*) and a certification statement for the head of each units review and approval prior to consolidation of the Program Areas report.
- ➍ APHIS managers should review CREC's summary of civil rights progress report (*feedback report*), and certification statement contacting CREC for additions or revisions to the report.
- ➎ APHIS managers should sign and return certification statement within 15 days of receipt, certifying that program area managers' civil rights self-assessment reports were approved and feedback was provided to all managers and supervisors on their civil rights performance.
- ➏ After approval, CREC incorporates program input into the APHIS-wide civil rights self-assessment report, and submits the final report to the Administrator for approval prior to forwarding the report to the USDA Office of Civil Rights.

7. TECHNICAL ASSISTANCE CONTACT PERSON

APHIS managers are required to submit reports to the following assigned technical specialist by Fax, E-mail or Mail on or before the March 30th and September 30th due dates:

PPQ	Gwendolyn Smith	(301) 734-5584
VS	Terry Henson	(301) 734-5555
AC/WS	Fontella Worrell	(301) 734-3781

4700 River Road, Unit 92	Fax Number	(301) 734-3698
Riverdale, Maryland 20137		

IS/IT/LPA/MRPBS/PPD	Sophia Kirby	(202) 720-2733
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14th & Independence Avenue S.W.	Fax Number	(202) 720-2365
Room 1137		
Washington, D.C. 20250		

APPROVED: Anna P. Grayson DATE: 10/01/01

Anna P. Grayson, Director
Civil Rights Enforcement and Compliance

Animal and Plant Health Inspection Service
Civil Rights Enforcement and Compliance
Internal Policy Issuance #: 1

Civil Rights Enforcement and Compliance
Operating Guidelines
Alternative Dispute Resolution

I. INTRODUCTION

This issuance outlines the policies and procedures used by the APHIS Alternative Dispute Resolution (ADR) Center to provide counseling and mediation (informal and formal), in complaints of employment discrimination raised by employees, former employees or applicants for employment.

II. REFERENCES

29 Code of Federal Regulations (CFR) 1614
The Equal Employment Opportunity Commission (EEOC)
Management Directive 110

III. COVERAGE

These procedures apply to complaints raised by current employees, former employees and applicants for employment with the Animal and Plant Health Inspection Service.

IV. POLICY

EEOC regulations require an agency to offer ADR. It must advise the aggrieved individual of the right to choose between ADR and traditional EEO counseling. If an employee chooses to participate in ADR, the pre-complaint processing time automatically extends the period at the informal stage to 90 days. After 90 days, if the case has not been resolved, the agency must issue the notice of Right to file (NRF). This notice must be in writing and must inform the employee of the right to file a formal complaint, location for filing and the time limit for doing so.

The EEO Intake Specialist, generally, will be the first point of contact when an individual makes contact with the APHIS ADR Center, and expresses an interest in filing a complaint of employment discrimination. The Intake Specialist obtains information necessary to process the

complaint by asking questions that will solicit in detail (1) what happened, (2) when it happened, (3) who was responsible, and (4) why the individual believes he or she was discriminated against. The case will then be assigned to a Counselor or a Mediator.

During the informal complaint process, at the counseling stage, the complainant has a right to anonymity, up until the Agency decides to offer a serious proposal to resolve the issues presented.

EEOC has established six clear defined duties that must be performed for each completed counseling session: (1) advise the complainant of the EEO Complainant process under 29 CFR 1614; (2) assist in determining the issues (s) and basis(es) of the potential complaint; (3) conduct a limited inquiry for the purpose of furnishing information for settlement/resolution efforts and determining jurisdictional questions if a formal complaint is filed; (4) seek resolution at the lowest possible level; (5) document the resolution or advise the complainant of their right to file formal complaint if resolution fails; and (6) prepare a report sufficient to determine that the required counseling actions have been taken and resolve any jurisdictional questions that may arise.

If mediation is elected during the informal process, the Intake specialist will assign a mediator. However, during the formal process the Civil Rights Employment and Compliance (CREC) Specialist, for a designated program area of responsibility, sends out a request to complainants who have filed a formal complaint, inquiring whether the complainant would be interested in participating in a mediation session to have their issues addressed at mediation.

All mediations are normally scheduled for a full-day. During the mediation session, the mediator set forth the ground rules that would govern the mediation session, the mediator facilitates separate and joint meetings. If necessary, a separate caucus may be convened with one or both parties to clarify issues, explore possible remedies, discuss interests, assess potential outcomes, and help create realistic expectations. A caucus may also be called if the parties come to an impasse. All conversations in the caucus are confidential, unless either party gives permission to have what is said in a caucus used in the open discussions. At anytime during the mediation session, settlement offers can be presented by the Complainant, Responding Management Official, or the Resolving Official.

When a settlement is not reached, the Mediator is required to provide a brief written summary of the mediation session indicating the outcome of the mediation session, in the event a formal complaint is filed. If a proposed settlement is reached, the Center Manager is alerted, and the draft agreement is forwarded to the Employment Complaints Manager and Director for review and approval. After the settlement agreement has been approved, it is then forwarded back to the mediator to obtain final signatures from the parties that participated in the mediation session, complainant, responsible management official and resolving official.

If there is no agreement at either the conclusion of the informal traditional counseling process or the ADR process, the counselor/mediator is required to furnish the employee with a notice of final interview (NRF). There is an opportunity for the complainant to voluntarily withdraw their complaint before a NRF is issued. However, the notice of final interview informs the complainant of his or her right to file a formal complaint of discrimination with the agency. This notice officially notifies the complainant of the end of the pre-complaint (informal) stage.

**Animal and Plant Health Inspection Service
Civil Rights Enforcement and Compliance
Internal Policy Issuance #: 1**

Formal Complaints Process

1. INTRODUCTION

This issuance outlines the procedures that govern the Formal Complaints Process in the APHIS Civil Rights Enforcement and Compliance (CREC) Program. The Formal Complaints Process is an avenue that any present or former employee or applicant for employment can use, if he or she feels that they have been discriminated against on any of the following bases: race, color, religion, national origin, age, sex, disability, marital or family status, sexual orientation and/or reprisal. It is the goal of the Administrator of APHIS to make APHIS an Agency where equal employment opportunity is the standard. Every employee has the right to work in an environment where they are treated fairly and equitably, with dignity and respect, and are given the opportunity to reach their full potential.

2. REFERENCES/AUTHORITIES

The civil rights statutes, laws and regulations governing federal sector employment discrimination complaints include the following:

Title VII of the Civil Rights Act of 1964, as amended in 1991
Supreme Court Case Law
Administrative Case Law, i.e., Merit Systems Protection Board and the
Equal Employment Opportunity Commission (EEOC)
EEOC's Management Directive 110
29 Code of Federal Regulations, Section 1614

3. COVERAGE

These procedures apply to any and all formal complaints filed by any present or former employee or applicant for employment.

4. POLICY

A. Receipt of Formal Complaint - Once an employee completes counseling or mediation, and the

parties do not reach a settlement of the issues, the employee is given a Notice of Right to File (NRF). The employee must file his or her complaint, within 15 days from receipt of the NRF, with the Office of Civil Rights (OCR). OCR sends the complaint form to CREC, so that the Agency is put on notice that a formal complaint has been filed. The EEO Specialist assigned to do the database tracking creates a folder for the formal complaint, and the preliminary information is input into the database. The EEO Specialist assigned to do the database tracking also requests a copy of the counselor's report, to include in the complaint folder.

B. Case Acceptance - OCR determines if a case meets the minimum requirements for a prima facie case. Prima facie means that the preliminary facts meet the established criteria to allow the case to proceed to the next step. For example, in a case of nonselection, the employee must meet the following criteria:

- 1) the employee is a member of a protected group, by virtue of his or her race, color, age, disability, etc. (Same bases listed above)
- 2) the employee applied for the position
- 3) the employee was qualified for the position
- 4) the selecting official continued to seek applications, even though the employee applied and was qualified

Once a case is accepted, OCR sends an acceptance letter to CREC. The EEO Specialist assigned to the database tracking inputs the information, and the case is assigned to the appropriate EEO Specialist. Each EEO Specialist is assigned a designated program area. From the case acceptance to the conclusion of the case, the EEO Specialist is responsible for monitoring the processing of the case. The EEO Specialist is also responsible for conveying any changes in the case to the database tracking person.

C. Document Request/Investigation - Once the case is accepted, CREC assigns the case to an EEO Investigator, using the GSA Schedule. CREC will designate a Contractor who is in good standing and centrally located to the complainant. Once an investigator has been assigned to a case, he or she contacts CREC. The investigators usually fax a document request to CREC. The document request consists of documents the investigator believes will complete the record. However, managers and supervisors are encouraged to provide any and all documents that support the decisions made regarding the specific case.

The EEO Specialist assigned to the specific program area is responsible for ensuring all requested documents are retrieved and sent to the EEO Investigator; as well as providing logistical information necessary to obtain access to the USDA facility.

D. Sufficiency Review of Report of Investigation – Once the investigation is completed and the Report of Investigation (ROI) is sent to CREC, the EEO Specialist conducts a sufficiency review to ensure all relevant documents are included. If the ROI is deemed acceptable, copies are sent to the complainant and his or her representative. If not, the areas of deficiency are noted and the ROI is returned to the Contractor for corrections. The corrected ROI is returned to the CREC within 10 days and reviewed

again, prior to release.

E. Case Analyses - Once the ROI is released to the complainant and his or her representative, the EEO Specialist analyzes the case, using the appropriate Analysis Model, located in the EEOC's Management Directive 110. When the case has been analyzed, the EEO Specialist will contact the appropriate manager, to discuss the strengths and weaknesses of the case. The EEO Specialist will also discuss possible terms of settlement with the appropriate manager.

F. Negotiation - After discussing the strengths and weaknesses of the case with the appropriate manager, the EEO Specialist will make contact with the employee or the employee's representative, if a representative has been assigned, and negotiations will commence. In the event the negotiations do not lead to a settlement of the case, the case will continue to be processed through the formal complaints system. The employee has the option of electing a Final Agency Decision (FAD), which is rendered by OCR or the employee can elect an Administrative Hearing, before an Administrative Judge at the EEOC. The employee may also choose to withdraw his or her EEO complaint, in its entirety.

G. Settlement and Implementation - In the event a settlement agreement is reached between the employee and the Agency, the assigned EEO Specialist will prepare a draft settlement agreement for the parties to review. Additionally, the draft settlement agreement must be reviewed by the Director and the Employment Complaints Manager. Once the settlement agreement has been approved by all parties, the agreement is signed and the terms are implemented. The EEO Specialist is responsible for carrying out the implementation of the agreement, by contacting the appropriate implementation designee for the program and monitoring the terms of the agreement, until all of the terms have been completed. The EEO Specialist should also send a copy of the settlement agreement to OCR, so that the complaint can be removed from OCR's database. Once the terms of the settlement agreement have been implemented, the case is closed and the file is stored in CREC's closed case files.

H. Noncompliance - In the event the terms of the settlement agreement are not completed, the employee has the right to file a noncompliance allegation against the Agency with OCR. The Agency will have to prove that the terms of the settlement agreement have been implemented, by providing proof. For example, if the term called for a promotion, the Agency must provide a copy of the personnel action promoting the employee.

I. Appeal - The employee has the right to appeal a FAD, if he or she is not satisfied with the decision. Once an employee files an appeal, CREC does not have any jurisdiction over the case. OCR is the point of contact for all cases that have been appealed.

J. Civil Actions - Once the employee's case is accepted, and 180 days have passed, the employee can file a civil action in Federal District Court. This means that the employee can bypass steps C-G.

APPROVED: _____ DATE: _____

Anna P. Grayson, Director

Civil Rights Enforcement and Compliance

Animal and Plant Health Inspection Service
Civil Rights Enforcement and Compliance
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Special Programs

1. INTRODUCTION

This issuance identifies and outlines programs and initiatives referred to as “Special Programs.” Special Programs are initiatives under the Office of the Administrator, and are housed and coordinated within the Civil Rights Enforcement and Compliance Staff. Special Program initiatives seek to enhance opportunities for and increase awareness of Minority Serving Institutions and provide an invaluable resource for accomplishing the Agency’s diversity goals.

While the agency’s performance under the Special Program area is based on its participation in seven major program initiatives, it is not limited by them solely. Following are the seven major initiatives and three annual reports required for which the Agency’s performance is measured by the Department:

A. 1890 Task Force Initiatives:

- USDA/1890 National Scholars Program
- Centers of Excellence
- 1890 Institution Teaching and Research Capacity Building Grants Program
- USDA/1890 Excess Personal Property Program

B. Student Employment Programs

- Summer Intern Program (SIP)
- USDA E. (KIKA) De La Garza Internship Program (HACU)
- Washington Internships for Native Americans Students (WINS)

C. Annual White House Requests for Agency Performance Reports:

- Educational Excellence for Hispanic Americans (EEHA)
- Historically Black Colleges and Universities (HBCUs)

2. REFERENCES/AUTHORITIES

- 5 CFR 213.3202 Excepted Service, Student Educational Employment Program - Student Experience Program
- 5 CFR Part 410 - Training
- 1996 Federal Agriculture Improvement and Reform Act (FAIR Act), Title IX, Section 922 (7 U.S.C. 2279(a))
- OPM Qualification Standards for General Schedule Positions
- Section 1417 (b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended, (NARETPA) (7 U.S.C. 3152(b)(4))
- Federal Property and Administrative Services Act of 1949, as amended
- Executive Order 12900
- Executive Order 12876
- Executive Order 13021

3. COVERAGE

This issuance briefly describes and outlines the policies and procedures that the Civil Rights Enforcement and Compliance (CREC) staff employs to develop, coordinate and implement Special Program Initiatives to ensure full participation by APHIS programs and managers.

4. POLICY

APHIS is committed to ensuring that the services and programs we provide to internal and external customers are free from discrimination and that they reach the diverse customer base that is reflected in the American Public. Managers and supervisors are accountable for setting the tone to eliminate barriers and provide adequate resources and support for programs aimed at ensuring diversity throughout the APHIS workforce.

5. SPECIAL PROGRAM DESCRIPTIONS/PURPOSE

A. USDA/1890 Task Force Initiatives

USDA/1890 National Scholars Program

The USDA/1890 National Scholars Program offers scholarships to U.S. citizens who are seeking a bachelor's degree in agriculture or related sciences or disciplines that undergird agriculture (i.e., computer science, economics, agribusiness, business administration, etc.). Recipients of the scholarship award must apply to and matriculate through the degree program at one of the seventeen 1890 Land-Grant Institutions (1890 Institutions). The purpose of the National Scholars Program is to strengthen the long-term partnership between the Department of Agriculture (USDA), APHIS and the 1890 Institutions; increase the number of students studying agriculture, food and nutrition, and natural resource sciences; and offer career opportunities at USDA.

APHIS policy is to select a minimum of two National Scholars annually. Applicants are chosen from the pool of applicants forwarded to the Department for consideration from the 17 Institutions. Final selection of recipients occurs in late April each year.

Centers of Excellence

The Centers of Excellence Program was initiated in 1992 and has been endorsed and fully supported by the Secretary, Sub-cabinet and Agency Heads since its inception. The Centers of Excellence Program affords an outstanding opportunity for the 1890 Institutions to build strong reputations and become nationally renowned in any given field. The Centers are an important part of building research and teaching capacities; not only for the Institutions, but also for their partners in the agribusiness communities and USDA agencies. The Centers provide a USDA presence on campus, enhance the capability of the Institution to assist in the delivery of USDA programs, ensure support from the agribusiness community, and provide assistance to outstanding students who seek USDA careers.

APHIS has provided support and commitment to this vital initiative since its inception, through the vision of five Administrators (Glosser, King, Medley, Reed) and currently Acting Administrator, Bobby Acord. Currently, APHIS is the lead Agency sponsor of four Centers:

Center of Excellence in Regulatory Science and Risk Analysis

at the ***University of Arkansas at Pine Bluff*** (UAPB) functions in a multi-disciplinary environment that merges the experience of university faculty and Federal agencies in conducting research and outreach education that advances understanding of and compliance with federal statutes. The Center also prepares students and professional staff to conduct risk assessments and develop regulatory strategies in agriculture, environmental biology, and the industry.

Center of Excellence in Geographic Information Systems and Wildlife Management at ***Lincoln University (in Missouri)*** continues our quest to promote excellence in education, particularly for traditionally under represented groups. Through the Center's initiatives in wildlife management, the partnership's overall objectives are: (1) to develop a nationally-based recruitment and outreach effort to bring highly qualified students into the academic program of wildlife management; (2) to teach appropriate academic and research courses; (3) to help select and place students into professional careers with APHIS or appropriate graduate level schools.

Center of Excellence for the Integrated Study of Animal and Plant Food Systems (CISFAPS) at ***Tuskegee University*** was designed using a systems approach and it focuses on food safety and food safety policy formulation that impacts small/medium farmers/producers and economically disadvantaged high risk populations. The Center brings a unique set of scientific strengths from two of the university's flagship programs; the School of Veterinary Medicine and the School of Agriculture, Home Economics and Nursing. The Center provides a unique national resource of seasoned scientific expertise in food production, food processing and food safety as well as in computer modeling and information systems. CISFAPS focuses on: (1) defining the unique problems associated with small producers and small businesses facing challenges of consumer demands and market forces; (2) working cooperatively with USDA collaborators and State agricultural experiment station scientists in pilot demonstration programs; (3) serves as a clearinghouse for food animal production and food safety information, nationally and internationally, to provide scientific and current information which encompasses quantitative risk assessment and risk management methods; and (4) providing science-based options for food safety policy affecting small businesses.

Center of Excellence in Biological Control at ***Florida A&M***

University is a trilateral cooperative effort which enables USDA partners to help expand the university's land grant mission and to help meet USDA's goals to protect and improve agriculture and the environment from invasive species, including insects, diseases, and weeds through the enhanced use of pest biological control. The Center's goals are to carry out both basic and applied research/development regarding biological control of select pest insects and weeds; and serve to recruit and train undergraduate and graduate level students in biological control. The Center is also a source of immediate, expert assistance to the agency regarding implementation of field programs and the facilitation of Federal technology transfer to the states and industry.

1890 Institution Teaching and Research Capacity Building Grants Program

This program is announced and managed through the USDA, Cooperative State Research, Education, and Extension Service (CSREES). The purpose of this grant program is to build the institutional capacities of the 17 Land Grant Institutions and Tuskegee University through cooperative initiatives with USDA and non-Federal entities. The grant program addresses the need to: (1) attract more students from under-represented groups into the food and agricultural sciences, (2) expand the linkages among the 1890 Institutions and with other colleges and universities, and (3) strengthen the teaching and research capacity of the 1890 Institutions to more firmly establish them as full partners in the food and agricultural science and education system. In addition, through this program, USDA strives to increase the overall pool of qualified applicants for the Department to make significant progress toward achievement of the Department's goal of increasing participation of under-represented groups in Departmental programs.

This program is a cooperative effort between USDA and the Institutions. While funding of the grant award is through appropriated funding through CSREES, in order to compete for this grant award Institutions must show collaboration by one or more USDA agencies on the project. Hence, coordination of APHIS collaboration on proposals submitted for consideration is through the Special Programs Manager, Civil Rights Enforcement and Compliance Staff (CREC). Proposals are submitted to CREC for review and assignment of an appropriate agency program to collaborate with the project. Solicitation of proposals is published in the Federal Register annually; usually in January each year.

USDA/1890 Excess Personal Property Program

Adopted as an initiative by the USDA Task Force, this program is a joint venture with the 1890 Institutions. Prior to 1989, the Historically Black

Land-Grant colleges and universities had only limited involvement in acquisition of Federal property because of (1) the mode of administering the program by the Extension Service; and (2) the poor quality of the property available. Through this new initiative with the Institutions, the USDA Task Force concentrated efforts to assist these institutions in finding and utilizing excess property and increased the use of such property. The Federal Property and Administrative Service Act of 1949, as amended, permits the Secretary of Agriculture to furnish excess property to 1890 Land Grant Institutions and Tuskegee University for the furtherance of agricultural research and extension programs.

APHIS makes excess personal property available to the 1890 Institutions and execute direct transfers for known requirements through the APHIS, Business Services_ Property Manager and the Office of Operations. The CREC staff monitors the transfer of such property and gives an account of this property through various reporting mechanisms to the Department. CREC is also responsible for promoting the excess personal property program among the 1890 Institutions and the USDA/1890 Liaison Officers as a resource to enhance the performance of USDA sponsored projects.

B. STUDENT EMPLOYMENT PROGRAMS

Summer Intern Program (SIP)

The Summer Intern Program (SIP) is a major part of APHIS_ effort to increase the number of minorities in the agency. Through very aggressive recruitment and outreach, APHIS provides annually, paid summer internships involving substantive work assignments to college students or high school graduates who have been accepted by a college/university. The CREC staff, Special Programs Manager coordinates through the Human Resources Division, for the announcement and job listing of SIP positions nationwide and identifies and procures affordable temporary housing in the Washington Metro-Area. (Assistance is provided to field offices upon request, for housing sources.) APHIS supervisors and managers generally receive a request to submit their needs for summer interns in October of the preceding year.

USDA E. (KIKA) De La Garza Internship Program (formerly HACU)

The E. (KIKA) De La Garza Internship Program (formerly known as the HACU Professional Experience Program) provides college students from institutions with significant enrollment of Hispanic students the opportunity to explore a potential Federal service career. The internship assignments are targeted to

provide professional development experiences that will allow students to make more educated and informed choices and enhance the students' skills in their area of study.

Unlike the SIP program, the De La Garza Internship Program is coordinated through a cooperative agreement with the Hispanic Association of Colleges and Universities (HACU); hence, the interns participating in this program are employed by HACU and are sponsored by USDA agencies. The program cost per intern covers transportation, salary and housing stipends; and students' work period are 10-16 weeks during Fall, Spring and Summer semesters.

Washington Internships for Native American Students

The Washington Internships for Native American Students (WINS) program is a distinctive paid learning experience for Native American students. The program includes academic course work, research, cultural and social activities and an internship with a Federal agency sponsor. All components of the program have an emphasis on Native American values and traditions; and students who successfully complete the program receive six (6) academic credits which transfer back to their college or university.

Similar to the De La Garza Internship Program, the WINS program is also a cooperative agreement arrangement between USDA and American University. Cost per student includes transportation, salary, tuition (6 credit hours at American University), and housing (interns are housed in dormitory housing at the University). This program is restricted to DC Metro Area offices due to the location of American University facilities and is available during Summer.

It is the policy of APHIS to offer housing to all student interns employed outside their local commuting area (permanent residence). Transportation costs from university or permanent residence to work site and return is at the discretion of the employing program and contingent upon availability of funds by the APHIS program.

C. Annual White House Requests for Agency Performance Reports

APHIS recognizes and fully supports the Department's leadership role and sustained commitment to improve educational attainment for all Americans, to meet the educational needs of Hispanic-, African- and Native-Americans, to enhance opportunities these under served communities, and to strengthen its partnerships with minority serving institutions. Annually, each Federal department must outline its performance and support to assist (1) Hispanic

Serving Institutions (HSIs), (2) Historically Black Colleges and Universities (HBCUs), and (3) Tribal Colleges and Universities (TCUs).

In prior years, the White House Initiatives Staff requested separate information for the three reports through the Department's Office of Budget and Program Analysis (OBPA):

1. Educational Excellence for Hispanic Americans (EEHA)
2. Historically Black Colleges and Universities (HBCUs)
3. Tribal Colleges and Universities (TCUs)

Through the diligent efforts of the various federal agencies and the cooperation of the White House Initiatives staffs, the format for all three separate reports is very similar and consequently, agencies are required to submit their annual performance accomplishments for all three initiatives (EEHA, HBCU and TCU) in a single report.

It is imperative that the APHIS program information provided for this report on assistance to minority serving institutions be accurate and consistent with other requests for similar information and reports submitted through the budget process. Therefore, coordination and monitoring of the agency's performance response is the responsibility of the Special Programs Manager, CREC staff who will request information from APHIS programs and prepare the agency's response jointly with the APHIS Budget Staff and other appropriate program personnel annually (October-November).

APPROVED: _____

Anna P. Grayson, Director
Civil Rights Enforcement and Compliance

DATE: _____

Animal and Plant Health Inspection Service
Civil Rights Enforcement and Compliance
Internal Policy Issuance #: 1

Nondiscrimination in Program Delivery
Program Compliance
Program Complaint Processing
Civil Rights Impact Analysis

1. INTRODUCTION

This issuance generally outlines the procedures utilized by the APHIS CREC Program Compliance Division to ensure nondiscrimination in all programs and activities conducted or assisted by APHIS. Nondiscrimination in program delivery is accomplished through three major efforts: 1) Program compliance reviews to include pre and post award reviews of programs and activities receiving Federal financial assistance from APHIS, and programs and activities directly conducted by APHIS; 2) receipt and prompt processing of complaints of program discrimination filed by persons, organizations or other entities against programs or activities assisted or conducted by APHIS, and 3) analysis of the civil rights implications of APHIS management and program decisions.

2. REFERENCES\AUTHORITIES

The primary civil rights statutes and regulations governing nondiscrimination in APHIS conducted and assisted programs and activities are as follows:

Title VI of the Civil Rights Act of 1964
Section 504 of the Rehabilitation Act of 1973
Age Discrimination Act of 1975
Title IX Education Amendments of 1972
Title 7, Code of Federal Regulations, Part 15d Nondiscrimination in USDA Conducted Programs and Activities
USDA Departmental Regulation 4330-2 Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from USDA
USDA Departmental Regulation 4330-3 Nondiscrimination in USDA Conducted Programs and Activities

3. COVERAGE

These procedures apply to the civil rights compliance requirements of any programs or activities conducted or assisted by APHIS; any complaint of program discrimination filed against an assisted or conducted APHIS program or activity and any management or administrative APHIS decision or action having civil rights implications.

4. POLICY

A. Program Compliance for APHIS Federally Conducted and Assisted Programs and Activities

Examples of Federally Conducted: *Airport Passenger Inspections*
 Ship Cargo Inspections
 Permit Issuance

Examples of Federally Assisted: *Loans or Grants to Universities*
 Personnel Detailed to Assist State and Local
Governments
 Use of Facilities by Outside Organizations

The APHIS CREC Program Compliance Division is responsible for monitoring and evaluating the delivery of programs and activities either conducted or assisted by APHIS. This process ensures that the delivery of those programs and activities are in compliance with civil rights requirements. CREC will utilize the following factors to identify a program or activity for a compliance review:

- 1) Complaints of Discrimination (frequency, location)
- 2) Size and characteristics of populations in service area, and level of service
- 3) Conclusions from other reviews and surveys
- 4) Types and status of assistance (new or increased funding, new program)
- 5) Congressional, media or public inquiry
- 6) APHIS management interest
- 7) Any other reason so determined by the Director, CREC

Each program or activity will be reviewed on the following factors:

- 1) Assurance of Nondiscrimination
- 2) Participation Records
- 3) "And Justice for All" Poster and Communications
- 4) Public Notification and Outreach Plan
- 5) Civil Rights Training
- 6) Complaint Processing

- 7) Accessibility to Programs and Facilities
- 8) Notice of Complaints, Lawsuits, Compliance Review Results

Programs and recipients will be notified and briefed on any upcoming review. The review may include an on-site examination of all pertinent office and statistical records, guidelines and regulations, personnel and programs records, interviews and any other information deemed appropriate for purpose of the review. CREC will notify in writing the appropriate APHIS program and/or recipient when a review reveals noncompliance or potential civil rights problem areas. The notification will include identification of the component(s) of the program that is not in compliance, corrective action(s) necessary to bring about compliance, and a timetable for completing the corrective action(s). At all times during the compliance review process, CREC will provide technical assistance to the program and/or recipient to assist in achieving compliance.

B. Program Complaint Processing

*Examples: Broker alleges discrimination due to delay in release of cargo.
Passenger alleges inspection discrimination because of racial profiling.
Animal provider alleges discrimination when license is terminated.*

The policy applies to any program complaint against APHIS personnel or programs wherein a person (non-employee) alleges either discrimination or unfair treatment, or otherwise infers that he or she was not treated fairly.

If a person indicates verbally that he or she wishes to file a complaint, they should be advised to contact USDA's Office of Civil Rights (OCR) at the following address:

USDA Office of Civil Rights
Room 326-W Whitten Building
14th & Independence Avenue SW
Washington, DC 20250-9410
Telephone: (202) 720-5964 (voice or TDD)

If an APHIS employee receives a written complaint directly, that complaint should be immediately forwarded to the CREC Program Compliance Manager (PCM).

USDA-APHIS-CREC
Attn: Steve Shelor, Program Compliance Manager
Room 1137 South Building
14th & Independence Avenue, S.W.
Washington, DC 20250

The PCM will prepare a program complaint processing package acknowledging to the

complainant that his or her complaint was received by APHIS; forward the complaint by courier to OCR's Program Complaint Division, and requesting from the APHIS work site where the complaint occurred a brief report describing the circumstances surrounding the complaint. Upon notification by OCR that it has accepted the complaint and requested an Agency Position Statement (APS), the PCM will prepare the APS utilizing the report from the complaint work site and any other pertinent information. The PCM is also responsible for maintaining a comprehensive database to track complaint data, reconcile complaint data with OCR, periodically issue reports to senior managers, and ensuring that all APHIS personnel are aware of complaint receipt and processing procedures.

C. Civil Rights Impact Analysis

*Examples: Closure of Work Facility-Impact on Program Delivery
 Regulation Change Governing Fruit Importation
 Implementation of New Program Eligibility Rule or Policy*

For actions requiring CRIAs and procedures for evaluating Title VI Civil Rights Impact Analysis see CREC Internal Policy Issuance #1 - Civil Rights Impact Analysis (Programs).

USDA agencies are required to identify and address the civil rights implications of proposed agency actions in their management and decision making procedures. The following process is utilized for conducting a Civil Rights Impact Analysis (CRIA):

The Regulations Analysis Division (RAD) submits a written request to CREC Enforcement and Compliance (CREC) to conduct a CRIA. All requests are logged into the CREC Civil Rights Impact Analysis Tracking System database. All interim or final rules are reviewed to determine changes. The CRIA is prepared using relevant Race, Sex, and National Origin (RSNO) data provided by National Agricultural Statistics Service (NASS), Census of Agriculture, comments on rules, and other available data. The CREC Director/Deputy Director review and approve the CRIA which is then electronically forwarded to RAD for review and comment. RAD may provide comments to CREC for final approval after which the CRIA is forwarded to USDA's Office of Civil Rights. The final rule clearance is noted on the CREC website at the Hot Rules page.

APPROVED: _____
 Anna P. Grayson, Director
 Civil Rights Enforcement and Compliance

DATE: _____

Animal and Plant Health Inspection Service
Civil Rights Enforcement and Compliance
Internal Policy Issuance #: 1

Equal Employment Opportunity
Program Evaluations and Compliance Reviews

1. INTRODUCTION

This issuance outlines the policies and procedures used by the APHIS Equal Employment Opportunity Program Evaluations and Compliance Review Program in performing compliance reviews, desk based evaluations, and monitoring and evaluating Civil Rights strategic and outreach plans. Monitoring and evaluating of the Civil Rights strategic and outreach plans will be performed utilizing similar techniques and procedures as described below for compliance reviews. CREC may work with other APHIS evaluation experts as needed.

A compliance review is a systematic method designed to measure the effectiveness of an agency's EEO program. Compliance reviews show officials and managers the extent to which their programs are being conducted and operated in compliance with Federal, Department and agency-specific civil rights laws, policies, regulations, and requirements. These provisions prohibit discrimination on the **basis of race, color, religion, sex (gender), national origin, age, disability, marital status, sexual orientation or parental status**; and promote equality of opportunity in all facets of employment (recruitment, training, promotions, advancement, awards, and selections).

In support of a continuing affirmative program, APHIS must conduct a continuing campaign to eliminate every form of prejudice or discrimination from the agency's personnel policies, practices, and working conditions. During compliance reviews, managerial and supervisory performance is reviewed, evaluated, and monitored in a manner that will ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity. This process provides orientation, training, and advice to managers and supervisors designed to assure their understanding and implementation of the equal employment opportunity policy and program. Any manager, supervisor, or employee who engages in discriminatory practices will be subject to appropriate disciplinary action. Managers and supervisors should a.) provide the maximum feasible opportunity for employees to enhance their skills through on-the-job training, work-study programs, and other training measures enabling them to perform at their highest potential and advance in accordance with their abilities; b) ensure awareness of advancement opportunities;

c) employ fair and equitable selection processes; and d) work in an environment that is free from discrimination and hostilities and that provides accommodations for persons with disabilities.

Reviews enable the review team and management to evaluate information on an agency's programs and employment patterns. The compliance review may highlight a manager's or leadership team's continuing affirmative application and vigorous enforcement of equal employment opportunity policy. However, compliance reviews may also reveal civil rights infractions such as, denial of full benefits, barriers to participation, disparity in treatment, lack of selection to advisory boards and planning committees, and lack of information, e.g., how to file a civil rights complaint. Reviews clearly show both full compliance or equality and the nature and degree of noncompliance.

The APHIS Civil Rights Enforcement and Compliance (CREC) staff conducts compliance reviews to assist organizations in strengthening their civil rights and equal employment opportunity programs. The complexity of civil rights compliance reviews varies from a "yes-no" checklist, to a desk audit format with standardized questions, to an on-site visit with standardized questions and employee interviews at an agency work unit. On-site visits generally are 1 week in duration.

2. REFERENCES

Equal Pay Act of 1963
Title VII of the Civil Rights Act of 1964
Age Discrimination in Employment Act of 1967
Rehabilitation Act of 1973, Section 501
Title 29, Code of Federal Regulations, Part 1614, Federal Sector
Equal Employment Opportunity (EEO)
EEOC Management Directives 712, 713, and 714
Civil Rights Act of 1991

3. COVERAGE

These procedures apply to compliance reviews performed of work units in the Animal and Plant Health Inspection Service.

4. POLICY

Each year CREC develops a two-year schedule of sites for compliance assistance and compliance reviews (i.e. headquarters, region, and area levels), identifying program units to be reviewed and the date that the review will begin. The schedule is posted on the CREC web site and managers are advised to acknowledge that they have reviewed the schedule as a component of their biannual self-assessments. Compliance reviews usually consists of preliminary research, an on-site visit, written reports, and follow up.

Preliminary Research

Prior to the outset of a review, CREC conducts preliminary research to clarify the purpose, focus, scope, and extent of the compliance review. In addition to reviewing responses to the surveys that were initially mailed to all employees, the CREC review team may review program operations, applicable laws and regulations, the affirmative employment program, special emphasis programs, Civil Rights EEO Advisory Committees and other factors relative to issues specific to the work site. The scope of the review may be expanded when CREC identifies information about issues that need to be addressed. These issues may include language barriers, disparate treatment, lack of information about the EEO program, difference in treatment, complaint handling, lack of participation in the EEO program, and lack of representation on boards and committees.

Notification of Review

The CREC Compliance Manager will send a Compliance Review Notification Letter to the head of the organizational entity being reviewed and management at the next highest level informing them of the pending review. The letter should be sent to the head at least 1 month prior to the on-site review and should include the purpose, scope, sites, dates, members of the review team, request for a unit liaison, and other pertinent information. The liaison will assist

with on-site logistics, coordinate the collection of data from the unit to the team, and assist with the development of the interview schedule. CREC also sends surveys and a cover letter announcing the review and explaining the importance of the surveys to all employees assigned to the work site. Reprisal and confidentiality: The memo, as well as briefings and interviews, should include policy concerning reprisal and confidentiality. The Civil Rights Act of 1964 protects employees who participate in civil rights compliance reviews and any civil rights activity from reprisal or retaliation that may be directed toward them due to their participation. All comments made during the compliance interviews will be held in strict confidence. No comments will be shared with anyone and names of employees will not appear in any report or on any document linking a specific employee to any comment. While CREC ensures the confidentiality of the review team, they cannot ensure confidentiality of employees participating in the interviews. It is at the discretion of each employee to decide whether or not they wish to reveal what transpired during their respective interview. However, if a manager or employee asks any member of the civil rights review team questions about the interview--like whether it's true that an employee said "this or that" during the interview process--the team member will respond that *all information shared during compliance interviews is confidential and the staff can neither confirm nor deny if something was said or not*. Also, should any employee feel that reprisal is being directed at them based on their participation in the interview process, they should call any member of the civil rights compliance team immediately, and the Director of the Civil Rights Enforcement and Compliance staff will act promptly to correct any instance of reprisal.

CREC will work with a unit liaison to establish the schedule for interviews. For locations with 50 or fewer employees, all employees will be scheduled for interviews. In a location with more than 50 employees, at least 30 percent will be scheduled for interviews. Selection will be random and will include people at various grade levels, series, race, gender, and national origin groups. In addition, all supervisors and managers are invited to participate in the interviews.

Interviews are voluntary and confidential. Any employee who does not wish to be interviewed will be excluded from the review. Individuals wishing to be interviewed who were not selected via the random sample may volunteer for interviews and will be included in the review.

On-Site Visit

The on-site activities of the compliance review include an orientation session, face-to-face or telephone interviews, visual inspection of the work environment, and an out-briefing.

Orientation Session: CREC facilitates an initial on-site orientation and information session with the work unit head, other managers and supervisors; and all employees. CREC explains the purpose and method of the review and provides an overview of what the team will do, what the team is looking for, how employment information will be collected, the interview process, the report development, and the follow-up process. Attention will also focus on promoting goodwill and cooperation with the unit, assisting the unit to strengthen their civil rights and equal employment opportunity programs, emphasizing the importance of confidentiality, and protection of employees against reprisal resulting from reviews. Based on responses to the initial surveys and comments made by managers, employees and advisory committees, CREC may also provide information about other facets of Civil Rights.

Structure of Interviews: Interviews are 45 minutes each followed by 15 minute breaks. Interviews are usually conducted by a team of two individuals; one asks questions from a standardized questionnaire, and the other records answers. The interviewee may also provide the reviewer with information concerning additional employee issues and concerns. At the time of each interview, the interviewee is given a short briefing about the compliance review process, policy on reprisal and confidentiality, and the purpose of the review.

Visual Inspection: The team members may tour the facilities to observe the location of employees, the facilities' accessibility for persons with disabilities, and the physical obstacles in the agency's facilities that limit the accessibility of its programs or activities to individuals with disabilities.

Out Briefing: Upon conclusion of the on-site review, CREC will hold an Out Briefing to report major preliminary findings of the review, recommend any remedial actions that should be taken immediately, and explain the date and process for issuing the compliance review report. Systemic issues and thorough data analysis will not be released during the Out Briefing.

Reporting

The compliance review report will be developed by combining the findings and recommendations from each team member, the facts and evidence gathered during the review, and a determination of compliance or noncompliance. The report may include discussion regarding a wide variety of situations that may affect employees' civil rights. (See below for examples). Managers will be given an opportunity to review and respond to the first draft of the report. Their response may include any progress already made in resolving the issues described in the report, intentions regarding each recommendation, and alternative plans for resolving certain issues. The final report includes management's response and CREC's additional recommendations as needed.

Follow-up Stage

Each team member may conduct follow up conversations with persons interviewed to clarify issues raised during the interview, gauge employee morale, and identify any reprisal resulting from the review.

Except in situations where immediate corrective action is necessary, work units will normally be required to take corrective action and report to CREC within 60 days. Upon receipt of a progress report from the recipient, the Director of CREC, will determine sufficiency of the action(s) taken. If the action is sufficient, CREC will conduct follow-ups 6 months and 1 year after this date. However, if further action is required to achieve compliance, CREC will recommend additional steps to be taken by APHIS top management to ensure compliance.

Topics that may be Addressed in a Compliance Review Report

- Retention, selection, hiring, or placement
- Civil rights and professional training and career enhancement
- Work environment
- Safety and health
- Unfair or inequitable administrative or personnel practices
- Systems or procedures
- Accessibility for persons with disability
- Promotions, separations, and advancement
- Language barriers
- Lack of community outreach in disseminating employment information
- Lack of information about or knowledge of civil rights policies and guidelines
- Discrimination based on race, sex, national origin, color, gender bias, sexual orientation, or sexual harassment

- Lack of knowledge of grievance, conflict resolution, and discrimination complaint processes
- Lack of participation in programs
- Lack of representation of women and people of color on committees, at specific grade levels, or in specific job classification series.

APPROVED: _____ DATE: _____
Anna P. Grayson, Director
Civil Rights Enforcement and Compliance

Animal and Plant Health Inspection Service
Civil Rights Enforcement and Compliance
Internal Policy Issuance #: 1

CIVIL RIGHTS IMPACT ANALYSIS (*Employment*)

1. INTRODUCTION

This issuance outlines the Civil Rights Enforcement and Compliance (CREC) procedures

for evaluating the civil rights impacts of major policy actions requiring approval under Departmental regulations. APHIS has in place an internal system for analyzing any issue which may negatively and disproportionately affect minorities, women, or persons with disabilities who are either employees or applicants for employment within APHIS. *Civil Rights Impacts* are the effects of major policy actions on the rights and opportunities of minorities, women, and persons with disabilities who are employees or applicants for employment within USDA. A *Civil Rights Impact Analysis* is conducted to determine the scope, intensity, direction, duration, and significance of impacts resulting from an Agency's proposed employment actions and activities. Such an analysis is required to determine civil rights impacts prior to and during the implementation of major policy actions.

2. REFERENCES

- Title VII of the Civil Rights Act of 1964, as amended, 42USC,2000e et seq.
- Departmental Regulation 4300-4, Civil Rights Impact Analysis
- Departmental Regulation 1010-1, Organization
- Departmental Regulation 1512-1, Regulatory Decisionmaking Requirements
- Departmental Regulation 1041,1, Advisory Committee Management

3. COVERAGE

These procedures apply to all employment policies, practices and actions, administered by APHIS Programs. Civil Rights Impact Analyses (CRIA) enable APHIS managers to

identify and eliminate, alleviate, or mitigate the disparate treatment or disparate impact of any proposed policies, actions, or decisions against a group or class of employees or program beneficiaries by reason of the prohibited bases described in *Section 4*.

4. POLICY

No person or group shall be discriminated against on the basis of race, color, religion, sex, national origin, age, disability, and where applicable, marital status, familial status, parental status, or sexual orientation.

5. ACTIONS REQUIRING CRIAs

Actions subject to the requirements of this issuance include but are not limited to:

- (1) The establishment and renewal of charters for advisory committees, councils, or boards managed by APHIS on behalf of the Secretary;
- (2) Proposed office consolidations, closures, relocation's or reorganizations;
- (3) Proposed agency manuals, and notices; and
- (4) At the discretion of the Director, Civil Rights, other actions having potential for adverse civil rights impacts.

6. REQUIREMENTS FOR CIVIL RIGHTS IMPACT ANALYSES

APHIS managers should submit a written request to CREC to conduct a Civil Rights Impact Analyses of all proposed office consolidations, closures, reorganizations, collocations, establishment and/or renewal of Boards and Committees, and decision documents described in Section 5:

- ❶ All requests should include a description of the proposed actions by goals, objectives, operations, and environment. This serves to direct the CREC staff to the action's primary goals and consequent courses of action.

Example - Regional Consolidation Site Selection

Collocating the regional hubs with the APHIS science/technical centers will affirm the scientific basis of the Agency, help make science/research more relevant to operational/program needs, and further optimize the scientific and technical backgrounds of regional office and technical center staff. Locating the regional hubs in Raleigh and Ft. Collins will also allow the Agency to accrue savings in operating costs exceeding \$2.4 million annually. Both sites will best serve

the Agency's long-term interest, yield demonstrable savings and efficiencies, and are consistent with the Agency's vision and mission.

- ② Written requests should include the appropriate employment data by race, sex, national origin, and disability in order to conduct statistical analyses for CRIAs.

Current Composition of Program area by race, gender, and positions as follows:

Veterinary Services - Southeast Region - Tampa, Florida

<u>Race/Gender</u>	<u>Grade</u>	<u>Position Title</u>
<i>Asian/Male</i>	<i>GS 14</i>	<i>Regional Epidemiology Officer</i>

- ③ Managers should consult with employees, advisory committees, and customers, as appropriate, to obtain their input prior to implementation of policies, actions, and decisions.
- ④ Managers should develop and submit a plan of action that identifies all unfavorable impacts and the actions that will be taken to eliminate or mitigate unfavorable impacts on employees.

<u>Action Items</u>	<u>Estimated Completion Dates</u>	<u>Responsible Official/ Responsible Unit</u>
<i>1. Issue reassignment letters to each affected employee.</i>	<i>April 30, 2002</i>	<i>MRP, Human Resources</i>
<i>2. Give special consideration to all affected employees who apply for other positions within VS at or below the grade level or promotion potential of their current position. Provide pay retention to employees who accept lower-graded positions as an alternative to relocation.</i>	<i>June 2000 until employee is selected, separated, or accepts the directed reassignment.</i>	<i>All VS selecting officials</i>

- ⑤ CREC will enter all written requests into the Civil Rights Impact Analyses Tracking System Database.
- ⑥ After review of the request, if necessary, CREC will inform the Program

Managers of any needed additions for CRIAs or revisions in proposed policies, actions, or decisions.

- 7 CREC reviews the provisions of the policy, action, or decision and determines:
 - (1) Whether or not it contains any requirements related to eligibility, benefits, services, etc., that may have the purpose or effect of excluding, limiting, or otherwise disadvantaging any group or class on one or more prohibited bases; and
 - (2) How and the extent to which each group or class may be potentially affected, positively or negatively.
- 8 CREC analyzes relevant numerical data and information to determine if there are significant statistical differences in potential civil rights impact rates for one or more groups or classes.
- 9 CREC makes recommendations on eliminating, alleviating, or mitigating potential adverse civil rights impacts; referring proposed policies, actions and decisions with supporting documentation on civil rights impacts, that cannot be resolved at the Agency level to the Office of Civil Rights (OCR) for review and guidance.
- 10 CREC submits the CRIA to OCR for review and concurrence; and monitors the proposed policy, action or decision after it is implemented.

APPROVED: _____DATE:

Anna P. Grayson, Director
Civil Rights Enforcement and Compliance

Animal and Plant Health Inspection Service
Civil Rights Enforcement and Compliance
Internal Policy Issuance #: 1

CIVIL RIGHTS IMPACT ANALYSIS (*Programs*)

1. INTRODUCTION

This issuance outlines the Civil Rights Enforcement and Compliance (CREC) procedures for evaluating the civil rights impacts of major program policy actions requiring approval under Departmental regulations. APHIS has in place an internal system for analyzing any issue which may negatively and disproportionately affect participants (to include potential participants) in APHIS programs and activities. *Civil Rights Impacts* are the effects of major program policy actions on the rights and opportunities of minorities, women, and persons with disabilities who are participants in APHIS programs and activities. A *Civil Rights Impact Analysis* is conducted to determine the scope, intensity, direction, duration, and significance of impacts resulting from an Agency's proposed program actions. Such an analysis is required to determine civil rights impacts prior to and during the implementation of major program policy actions.

2. REFERENCES

- Title 7, Code of Federal Regulations, Part 15(d)
Nondiscrimination in USDA Conducted Programs and Activities
- Departmental Regulation 4300-4, Civil Rights Impact Analysis
- Departmental Regulation 1010-1, Organization
- Departmental Regulation 1512-1, Regulatory Decisionmaking Requirements
- Departmental Regulation 1041.1, Advisory Committee Management

3. COVERAGE

These procedures apply to all programs and activities conducted by APHIS. Civil Rights Impact Analyses (CRIA) enable APHIS managers to identify and eliminate, alleviate, or mitigate the disparate treatment or disparate impact of any proposed policies, actions, or decisions against a group or class of program participants by reason of the prohibited bases described in *Section 4*.

4. POLICY

No person or group shall be discriminated against on the basis of race, color, religion, sex, national origin, age, disability, and where applicable, marital status, familial status, sexual orientation, or because all or part of an individual's income is derived from public assistance.

5. ACTIONS REQUIRING CRIAs

Actions subject to the requirements of this issuance include but are not limited to:

- (1) Proposed agency regulations, manuals, notices;
- (2) Proposed changes in program policies or new programs;
- (3) Proposed office consolidations, closures, relocation's or reorganizations, and
- (4) At the discretion of the Director, Civil Rights, other actions having potential for adverse civil rights impacts.

6. REQUIREMENTS FOR CIVIL RIGHTS IMPACT ANALYSES

APHIS' Policy and Program Development unit should submit a written request to CREC to conduct a Civil Rights Impact Analyses of proposed actions as described in Section 5:

- ❶ All requests should include a description of the proposed actions by goals, objectives, operations, and environment. This serves to direct the CREC staff to the action's primary goals and consequent courses of action.

Example - Mexican Hass Avocado Import Program

The Government of Mexico requested that APHIS amend the regulations regarding the importation of Mexican Hass avocados. The amended regulation will expand the number of states into which avocados may be imported and to extend the shipping season. The rule directly affects avocado growers, particularly in California.

- ② Written requests should include the appropriate program participation data by the prohibited bases as identified in *Section 4*, if such data is available.
- ③ Managers should consult with program participants and potential participants, as appropriate, to obtain their input prior to proposing changes in policies, actions, and decisions.
- ④ APHIS should develop and submit a plan of action that identifies all unfavorable impacts and the actions that will be taken to eliminate or mitigate unfavorable impacts on program participants.
- ⑤ CREC will enter all written requests into the Civil Rights Impact Analyses Tracking System Database.
- ⑥ After review of the request, if necessary, CREC will inform the Program Managers of any needed additions for CRIAs or revisions in proposed policies, actions, or decisions.
- ⑦ CREC reviews the provisions of the policy, action, or decision and determines:
 - (1) Whether or not it contains any requirements related to eligibility, benefits, services, etc., that may have the purpose or effect of excluding, limiting, or otherwise disadvantaging any group or class on one or more prohibited bases; and
 - (2) How and the extent to which each group or class may be potentially affected, positively or negatively.
- ⑧ CREC analyzes relevant numerical data and information to determine if there are significant statistical differences in potential civil rights impact rates for one or more groups or classes.
- ⑨ CREC makes recommendations on eliminating, alleviating, or mitigating potential adverse civil rights impacts; referring proposed policies, actions and decisions with supporting documentation on civil rights impacts, that cannot be resolved at the Agency level to the Office of Civil Rights (OCR) for review and guidance.

- ⑩ CREC submits the CRIA to OCR for review and concurrence; and monitors the proposed policy, action or decision after it is implemented.

APPROVED: _____ DATE:
Anna P. Grayson or designee
Director
Civil Rights Enforcement and Compliance

**Animal and Plant Health Inspection Service
Civil Rights Enforcement and Compliance
Internal Policy Issuance #: 1**

**Affirmative Employment Program
Special Emphasis Programs
Civil Rights Advisory Committees**

1. INTRODUCTION

Affirmative Employment is a legal concept that requires managers and supervisors to develop strategies to effectively recruit, employ, and promote qualified members of EEO protected groups. Rather than merely ensure nondiscrimination in employment practices, managers are required to identify and remove barriers that impede employment and advancement opportunities for minorities, women, and persons with disabilities.

2. REFERENCES

EEOC Management Directive 110 - Chapter 1, Delegation of Authority
EEOC Management Directive 714
USDA Departmental Directive M.P. 4713.1 - Civil Rights
USDA Departmental Regulation 4230-2 - Special Emphasis Programs
29 CFR Part 1608 - Affirmative Action Appropriate under Title VII of the
Civil Rights Act of 1964, as Amended
29 CFR Part 1614 - Federal Sector Equal Employment Opportunity

3. COVERAGE

This issuance outlines the policies and procedures Civil Rights Enforcement and Compliance (CREC) staff use to develop and implement the Affirmative Employment Program, Special Emphasis Programs, and the Civil Rights Advisory Committees as authorized by USDA and EEOC.

4. POLICY

It is APHIS policy to ensure that all work sites are free from discrimination; retaliation; and reprisal based on race, color, religion, sex, national origin, age, disability, and where applicable, marital status, familial status, parental status, or sexual orientation.

Affirmative Employment: 29 CFR Part 1608

1608.1(b)(c) Congress enacted Title VII in order to improve the economic and social conditions of minorities and women by providing equality of opportunity in the work place. The principle of nondiscrimination in employment because of race, color, religion, sex, or national origin, and the principle that each person subject to Title VII should take voluntary action to correct the effects of past discrimination and to prevent present and future discrimination without awaiting litigation are mutually consistent and interdependent methods of addressing social and economic conditions which precipitated Title VII. Voluntary affirmative action to improve opportunities for minorities and women must be encouraged and protected in order to achieve the Congressional intent embodied in Title VII.

1608.4 An affirmative employment plan or program under this section shall contain three elements: a reasonable self analysis; a reasonable basis for concluding action is appropriate; and reasonable action.

- Reasonable Self Analysis: The objective of self analysis is to determine whether employment practices tend to exclude, disadvantage, restrict, or result in adverse impact or disparate treatment of previously excluded or restricted groups or leave uncorrected the effects of prior discrimination, and if so, attempt to determine the reason.

- Reasonable Basis: If the self analysis indicates that one or more employment practices have or tend to have an adverse effect on employment opportunities of members of previously excluded groups, or groups whose employment or promotional opportunities have been artificially limited; leave uncorrected the effects of prior discrimination; or result in disparate treatment, the person conducting the self analysis has a reasonable basis for determining that action is appropriate. It is not necessary that the self analysis establishes a violation of Title VII. This reasonable basis exists without any admission or formal finding that the person has violated Title VII, and without regard to whether there exists arguable defenses to Title VII actions.

- Reasonable Action: The action taken pursuant to an affirmative action plan or program must be reasonable in relation to the problems disclosed by the self analysis. Such reasonable action may include goals and timetables or other appropriate employment tools which recognize the race, sex, or national origin of applicants or employees. It may include the adoption of practices which will eliminate the actual or potential adverse impact, disparate treatment, or effect of past discrimination by providing opportunities for members of groups which have been excluded, regardless of whether the persons benefited were themselves the victims of prior policies or procedures which produced the adverse impact or disparate treatment or which perpetuated past discrimination.

Affirmative employment plans are tailored to solve the problems identified in the self analysis.

The race, sex, and national origin conscious provision of the program plans will be maintained only as long as is necessary to achieve these objectives. Goals and timetables will be reasonably related to considerations such as the effects of past discrimination, the need for prompt elimination of adverse impact or disparate treatment, the availability of basically qualified or qualifiable applicants, and the projected number of available employment opportunities.

The Equal Employment Opportunity Commission requires agencies to prepare an Affirmative Employment Plan (AEP). Civil Rights Enforcement and Compliance (CREC) prepares and issues guidelines for preparing input to the APHIS AEP and the Accomplishment Report and Update.

To ensure that the AEP includes input from APHIS programs, each AEP Liaison is requested to complete and submit reports in the categories of AEP and FEORP Noteworthy Accomplishments, Fiscal Year Hiring Objectives, Program Analyses, Problem Statements and Action Items. Each program manager is responsible for implementing the action items and the hiring objectives provided in the national AEP.

Federal Equal Opportunity Recruitment Program (FEORP)

The U.S. Office of Personnel Management (OPM) provides guidelines on preparing the FEORP Plan, which is a recruiting initiative designed to eliminate under representation of minorities and women in the Federal service. It was established and assigned to OPM by the Civil Service Reform Act of 1978, (5 U.S.C. 7201). Federal agencies are required to use FEORP as a resource to develop strategic plans to increase diversity, as well as to develop recruitment and retention programs. Agency heads are encouraged to ensure that the FEORP is clearly understood by selecting officials and all levels of management.

FEORP Occupational Categories: The occupational categories covered under the FEORP are White-Collar and Blue-Collar. The White-Collar category contains Professional, Administrative, Technical, Clerical, and Other White-Collar occupations. Professional

occupations typically require a baccalaureate degree, and along with Administrative occupations, are the usual sources for selections to senior management and executive positions. Positions in the Technical, Clerical, Other, and Blue-Collar occupations are usually limited to lower grades with limited opportunity for promotion to management levels.

5 CFR, Section 720-202: Under representation is defined as a situation in which the number of women or members of a minority group within a category of civil service employment constitutes a lower percentage of the total number of employees within the employment category than the percentage that women or the minority group constitutes within the civilian labor force of the United States.

5. SPECIAL EMPHASIS PROGRAMS (SEPs)

The primary purpose of the APHIS Special Emphasis Programs is to address the unique concerns of women, minorities, and individuals with disabilities in the employment and program delivery functions. Special Emphasis Programs are an integral part of the APHIS civil rights program.

The following Special Emphasis Programs are authorized within USDA:

- *Federal Women's Program (FWP)
- *Hispanic Employment Program (HEP)
- *Disability Employment Program (DEP)
- African American Program (AAP)
- Asian/Pacific American (A/PAP)
- Native American Program (NAP)
- Small and Limited Resource Farmer s Initiative

*Federal Women's Program (FWP)

Goal: To improve employment and advancement opportunities for women in government. To increase respect for the work of women employees at all grade levels. To work toward the elimination of sexual harassment in the workplace.

History: In October 1967, Executive Order No. 11478 added sex to the other prohibited forms of discrimination race, color, religion, and national origin. In response the existing Civil Service Commission, currently the Office of Personnel Management, established the Federal Women's Program.

In August 1969, Executive Order 11478 integrated the FWP into the overall Equal Employment Opportunity Program and placed the FWP under the direction of Directors of Civil Rights for each Federal agency.

Public Law (PL) 92-261, The Equal Employment Opportunity Act of 1972, brought Federal employees and agencies under the EEO provisions of the Civil Rights Act of 1964. The Public Law requires Federal agencies to allocate sufficient resources for the Federal Women's Program.

APHIS Women's Information Network (WIN): In support of the APHIS FWP, the Civil Rights Enforcement and Compliance established the APHIS WIN in January 1992. The WIN committee meets the fourth Wednesday of each month. The objectives of the FWP are to increase professional and personal achievement of women employees by encouraging them to set realistic goals. To eliminate false barriers, customs, and attitudes that hinder women from moving into certain occupations at high level positions. To improve self-confidence in women employees through education and training so they will become more competitive. To identify problems and solutions with respect to the recruitment and advancement of women in APHIS.

*Hispanic Employment Program (HEP)

Goal: To ensure equal opportunity for Hispanics who compete in all aspects of Federal employment, e.g. recruitment, training, career enhancement activities, counseling, and promotions.

Definition of Hispanics: Persons whose culture is of Spanish or Latin-American origin, and whose native or ancestral language is Spanish, e.g. Puerto Rican, Cuban American, Mexican American, and those whose origins are in Central and South America, or Spain. Included in this

group are persons of Hispanic background, regardless of race, who because of marriage or for other reasons do not presently possess Spanish surnames.

History: On November 5, 1970, a Presidential statement was issued which created the foundation for a program within the Federal government to provide equal employment opportunity for Hispanics. In 1973, this program was entitled the Sixteen Point Program after specific actions were identified to implement the program. On February 28, 1978, the program was retitled the Hispanic Employment Program.

APHIS Hispanic American Issues Council (HAIC): The council was established in 1992 and is open to all headquarters and field employees. The HAIC serves as a communication network for dissemination of information. The council is a forum for employees to discuss concerns of Hispanic Americans and current events that are of interest to the Hispanic community.

*Disability Employment Program (DEP)

Goal: To ensure compliance with legal obligations under Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791), 29 CFR 1614.203, and Section 3112 of Title 5 U.S.C., and Title 38 U.S.C. 2014. To promote the recruitment, employment, advancement and retention of people with disabilities, particularly those with severe targeted disabilities, and disabled veterans with special emphasis on outreach activities for disabled veterans with a 30 percent or more compensable service connected disability.

To ensure nondiscrimination against people with disabilities and foster full participation in and access to all USDA programs, activities, and services.

To provide technical support and assistance in providing reasonable accommodations for applicants and employees with disabilities.

To develop and implement an continuing comprehensive approach to the Department's Affirmative Action Program for Individuals with Disabilities and Disabled Veterans Affirmative Action Program.

To provide technical employment information on the non-competitive, excepted service appointing authorities and assistance to applicants and employees with disabilities and potential employers.

To ensure that qualified applicants and employees with disabilities receive the necessary work related accommodations in order to receive USDA services and/or carry out their duties.

To conduct disability awareness training to educate managers, supervisors, and coworkers on how to interact, respect, and work with people with disabilities. To dispel myths, fears, and misconceptions about what people with disabilities can or cannot accomplish.

APHIS Disability Employment Program Managers Role and Responsibilities

- Measure effectiveness of barrier elimination activities
- Review employment needs of persons with disabilities and with targeted disabilities, including persons with severe disabilities, to assure they are afforded adequate employment and training opportunities.
- Assure that agency goals are established and fulfilled.

- Serve as liaison between regional Disability Employment Program Managers (DEPMS) and the Disability Employment Issues Council (DEIC), for effective communication
- Provide innovative approaches for eliminating any psychological or architectural barriers that may exist in the work place
- Monitor implementation efforts of action items that are contained in Regional DEP Work plan submissions Work Force Recruitment Program for College Students with Disabilities:

Work Force Recruitment Program (WRP)

The recruitment outreach program is co-sponsored by the President's Committee on Employment of People with Disabilities, the Department of Defense (DOD) and a consortium of 16 other Federal agencies.

Background: The WRP is designed to assist college students with disabilities again employment with Federal agencies. Experienced recruiters interview students each at more than 96 colleges and universities nationwide. The most qualified applicants are entered into a data bases that is shared with each participating agency. Usually students are hired at grades GS-3/5. The average cost for summer employees depends on the grade of the positions. The DOD provides free adaptive technology to any student who requests such service for the duration of employment. Students seek temporary, permanent, and continuing educational employment. This program exposes students and minorities with disabilities to Federal careers opportunities.

6. APHIS SPECIAL EMPHASIS PROGRAM MANAGERS (SEPMs)

Special Emphasis Program Managers provide assistance to managers and supervisors in the implementation of the six authorized Special Emphasis Programs.

Special Emphasis Program Manager Appointments: Deputy Administrators, Regional Directors, and Division Directors may appoint any permanent employee to serve as a collateral duty Special Emphasis Program Manager (SEPM). The assignment should be documented as an addendum to the official position description, and include the provision that collateral-duty employees are allowed to spend up to 20% official duty time implementing the Special Emphasis Programs.

Who Should Be Appointed: The collateral duty SEPM positions are open to all interested permanent employees who are able to spend the necessary time to performing the duties and

implementing the objectives of the position. There are no grade nor occupational series requirements for collateral duty SEPM positions. Employees will be appointed without regard to race, gender, age, color, national origin, religion, or disability.

Memorandum Of Understanding (MOU): A Memorandum of Understanding between the appointee and the immediate supervisor should be developed and submitted to CREC during the first 30 days of the appointment. CREC will provide the guidance and the appropriate form for completing the MOU. To avoid conflict with official duties and responsibilities, CREC recommends that no employee hold more than one collateral duty special emphasis program appointment.

Length Of Appointment: The SEPMs appointments are 2-year terms with an option for extension. CREC should be contacted prior to the extension of any appointment.

Technical Assistance: CREC Specialists will provide technical assistance and some training to all SEPMs on the implementation of duties and responsibilities. Newly appointed managers should contact CREC immediately after their appointment to arrange a telephone briefing and to receive the orientation packet.

Training: Formal training is available on a limited basis for FWP, HEP, and DEP. Employees appointed to serve AAP, NAP, and A/PAP may also attend any of the special emphasis training.

Evaluation of Collateral Duty Performance: The SEPMs will be evaluated as part of the CREC critical element or a separate element may be established. Managers and supervisors should obtain input from CREC for the appraisal of SEPM performance.

7. SEPMs OBJECTIVES

The major functions of the Special Emphasis Program Managers are, but not limited to, the following duties and responsibilities:

- To identify and assist in removing discriminatory practices and procedures and other barriers to equal opportunity in all employment and program delivery activities.
- To initiate and conduct programs and other activities to increase the representation of women, minorities, and persons with disabilities where these groups are under-utilized. Programs and other activities include outreach endeavors, a comprehensive public notification system, effective monitoring and evaluation systems, special observance and educational and awareness activities.

- all
- To continually improve hiring, training, retention and advancement opportunities for qualified individuals that would result in a diverse work force.
 - To improve the program composition or work force profile to reflect the population served.
 - To utilize the knowledge, skills and abilities of all qualified individuals to include participation on boards, committees, and task groups, upward mobility programs, special projects, details, temporary promotions, and career enhancing opportunities.
 - To provide an effective channel of communication to management, regarding women, minorities and individuals with disabilities, to express particular concerns and issues of the group.
 - To focus on customer service and expand the customer base to include all qualified individuals and entities.

8. RESPONSIBLE OFFICIALS

- The Office of Civil Rights has the overall responsibility for policy development, direction, administration, and enforcement of the Department's SEPs.
- The APHIS National Special Emphasis Program Managers (SEPMs) are responsible for providing overall direction, monitoring the implementation of the APHIS National SEPM Work Plan, and administering the APHIS Special Emphasis Programs.
- Program SEPMs are responsible for providing overall direction to regional and local SEPMs, committee members and local coordinators.
- Program SEPMs have overall responsibility for the implementation of the agency's SEPM Work Plan.

9. SPECIAL OBSERVANCES

Currently the following national observances fall within the scope and support the objectives of USDA s current Special emphasis Programs.

Black History Month	February
Women's History Month	March
Asian Pacific American Heritage Month	May

Hispanic Heritage Month
Disability Employment Awareness Month
Native American Heritage Month

September 15 - October 15
October
November

USDA/APHIS Bulletin 92-6, April 30, 1992 - Payment for Refreshments and Other Expenses Under the APHIS Incentive Awards Program - establishes policy regarding the use of appropriated funds to pay for light refreshments and other necessary expenses in connection with the honorary recognition of employees.

Information about each observance may be obtained from any SEP Manager or members of the CREC Staff.

10. Civil Rights Advisory Committees

The Civil Rights Advisory Committees serve as links between managers and employees. However, they are not authorized to handle discrimination complaints or related matters. Such complaints are handled through the APHIS ADR Center.

Civil Rights Advisory Committees have been established for each program area. Each committee has a Chairperson, Charter, and Mission Statement, and function independently of each other. The major functions of the advisory committee are, but not limited to, the following items:

- Development and implementation of the Affirmative Employment Program Plan.
- Meet quarterly to analyze, evaluate, and provide guidance on the status of the work force and civil rights activities.
- Review and identify personnel policies and practices which are barriers to hiring, developing or advancing minorities, women and individuals with disabilities and recommend corrective action.
- Compile and analyze statistical data pertinent to affirmative action and federal recruitment.

- Develop external/internal recruitment strategies and procedures, to attract minorities, persons with disabilities, and women applicants, consistent with the AEP Plan.
- Develop human resources through internal programs (LEAD, WELL, XCEL).
- Communicate and maintain contact with managers, supervisors, minorities, persons with disabilities, and women employees or applicants, outreach organizations, educational institutions, and community groups.
- Review area accomplishments and report progress of activities, problems, and achievements to the managers and supervisors.

There are two National Civil Rights Leadership Committees (NCRLC) established within APHIS, one in PPQ and the other in VS. NCLCs provide assistance to managers and

supervisors in implementing the units civil rights goals and objectives. The Chairpersons for the NCRLCs are responsible for providing leadership, direction and guidance to the regional committees regarding the USDAs and APHIS policies and initiatives within the program areas.

APPROVED _____ DATE: _____
 Anna P. Grayson, Director
 Civil Rights Enforcement and Compliance

